



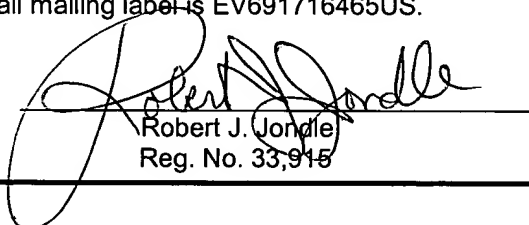
**IN THE
UNITED STATES
PATENT AND TRADEMARK
OFFICE**

<i>Application Number</i>	09/782,255
<i>Filing Date</i>	February 14, 2001
<i>First Named Inventor</i>	Bruce Marvin HELD
<i>Group Art Unit</i>	1636
<i>Examiner Name</i>	Nancy S. Vogel
<i>Attorney Docket Number</i>	N1205-009

Title of the Invention: **Promoter and Construct for Plant Transformation**

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, PO Box 1450, Alexandria VA 22313-1450 on this 16th day of August 2005. The number of the Express Mail mailing label is EV691716465US.


Robert J. Jondle
Reg. No. 33,915

AMENDMENT

Mail Stop RCE
Commissioner of Patents
P O Box 1450
Alexandria VA 22313-1450

Sir:

In response to the Final Office Action mailed April 26, 2005, and the Advisory Action mailed July 21, 2005, in which the Examiner indicated that the reply filed June 23, 2005 failed to place the application in condition for allowance, please enter the amendments as shown on the attached pages.

Amendments to the Claims begin on page 2.

Remarks begin on page 4.

49. (NEW) The method of claim 43 wherein said known nucleic acid sequences are selected from a GenBank database or an equivalent database.
50. (NEW) The method of claim 43 wherein said first synthetic promoter has between 15% and 20% of its sequence different from that of the template promoter.
51. (NEW) The method of claim 43 wherein said first synthetic promoter has between 20% and 25% of its sequence different from that of the template promoter.
52. (NEW) The method of claim 43 wherein said first synthetic promoter has between 25% and 30% of its sequence different from that of the template promoter.